

**OFFICIAL – PLEASE ENTER****REMARKS****Summary**

Claims 1-9 are currently pending in the application. Claims 1-9 were rejected under 35 USC 103 as being unpatentable over Nicholls et al. US Patent No. 5,631,827 (hereinafter Nicholls) in view of Soga et al. US Patent No. 6,304,856 (hereinafter Soga) and further in view of Wojcik et al. US Patent No. 5,666,493 (hereinafter Wojcik). No claims have been amended. The specification has been amended to correct a minor typographical error and also, as explained below to provide cross reference information. No new matter has been added.

**Cross Reference to Related Cases**

The first paragraph of the Specification section Cross Reference to Related Applications has been replaced by a new paragraph which contains serial numbers and filing dates of the related applications. No new matter has been added.

**35 USC 103 Rejection**

Claims 1-9 were rejected under 35 USC 103 as being unpatentable over Nicholls in view of Soga and further in view of Wojcik.

**Claim 1**

Claim 1 is drawn to:

A planning engine for use in a planning system for planning the shipment of a parcel of at least one item, the planning including routing and rating the shipment, the planning system including a router for determining possible routes for the shipment, a rater for rating each possible route, a consolidator for attempting to consolidate a list of shipments, and a prorater for allocating costs of a consolidation among the consolidated shipments, the planning system also having read and write access to a shipping database, the planning engine comprising: a) an input module,

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responsive to a planning request indicating at least one shipment for which planning is to be performed, the planning request being provided in one of at least two forms, the input module for providing a list including each shipment for which planning is to be performed; b) a **load list template builder**, responsive to the list including each shipment for which planning is to be performed, for **providing a load list template** indicating at least one load, each load having an associated stop, each stop having an associated shipment, each shipment having at least one associated item; c) an analyzer, **responsive to the load list template**, for planning in turn how to ship each of the shipments indicated by the load list template by making use of the router and the rater, for providing a load list indicating a carrier and service for each shipment of the load list template; and d) an output module, responsive to the load list, for providing the load list in a manner corresponding to the form of the planning request information.

(Emphasis added).

The specification further discusses the template builder at page 14, line 24 to page 15, line 7, with reference to Figure 3, as follows

Referring now to Fig. 3, the planning engine 22 of the planning system 11 is shown in more detail as including: an input module 30 for accepting a planning request (as either a Group ID indicating a group of shipments, or as properties of a data object indicating a single shipment and passed in memory to the planning engine); a **load list template builder 31** for building a load list template (a list of at least one shipment with some elements, such as costs, to be determined later in the planning process); an analyzer 32 for performing the planning for each shipment of the load list template and so for determining an actual load list (i.e. for providing values for the null-valued elements of the load list template); and an output module 33 for providing the results of the planning either to a calling module (either the shipment event planner 14 or the shipment batch planner 13) or to the shipping database 12.

(Emphasis added).

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Applicants have reviewed the citations stated in the Office Action at pages 2-5 and are unable to find any teaching or suggestion of Applicants' claimed invention including the template builder. Therefore, Applicants respectfully request that the 35 USC 103 rejection of claim 1 be withdrawn.

**Claims 3, 4, 5, 6, 7 and 8**

Since claims 3, 4, 5, 6, 7 and 8 depend directly or indirectly from independent claim 1, based upon the reasons set forth above regarding claim 1, Nicholls in view of Soga and further in view of Wojcik fail to provide any teaching, suggestion or motivation for Applicants' claims 3, 4, 5, 6, 7 and 8. Therefore, Applicants respectfully request that the 35 USC 103 rejection of claims 2, 3, 4, 5, 6, 7 and 8 be withdrawn.

**Claim 9**

The Office Action states, at page 6, that "all limitations of the planning engine are analyzed in claims 1-8". Applicants respectfully disagree with the remark. However, even assuming arguendo that the remark is accurate, for the reasons set forth above with respect to the rejection of claims 1-8 Applicants respectfully request that the rejection of claim 9 be withdrawn. Furthermore, for the reasons stated below with respect to the articulation of the rejection, Applicants note that the rejection is not appropriately articulated as is required by MPEP 706.

**Articulation of Rejection of Claims 1-9**

Applicants respectfully note that the citations to Nicholls in view of Soga and further in view of Wojcik for each of the claims does not clearly articulate the rejection as it pertains to each and every element of the claimed invention as is required by MPEP 706. It is difficult to determine which section of Nicholls, Soga, or Wojcik

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pertains to one or more elements (if any) of Applicants' claims. Applicants respectfully request that any future rejection including any possible reiteration of the rejection of the Office Action of June 5, 2002 clearly articulate the rejection as it pertains to each and every element of the claimed invention **including a citation to the specific section of the reference** where the Examiner believes that one or more claim elements may be taught.

**Conclusion**

In view of the remarks, it is respectfully submitted that the claims of this application are now in a condition for allowance and favorable action thereon is requested.

Respectfully submitted,



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**OFFICIAL – PLEASE ENTER****Version with Markings to Show Changes Made****In the specification:**

**On page 1, please replace the paragraph following the title "Cross Reference To Related Applications" with the following:**

-- The present invention is related to the following U.S. applications: U.S. application, Serial No. 09/476,717 filed December 30, 1999 entitled, "A SYSTEM FOR MANAGING PARCEL SHIPPING" (Attorney Docket No. E-912); U.S. application, Serial No. 09/475,883 filed December 30, 1999 entitled, "A RATER UTILITY FOR A PARCEL SHIPPING SYSTEM" (Attorney Docket No. E-913); U.S. application, Serial No. 09/475,882 filed December 30, 1999 entitled, "A ROUTER UTILITY FOR A PARCEL SHIPPING SYSTEM" (Attorney Docket No. E-914) and U.S. application, Serial No. 09/475,881 filed December 30, 1999 entitled, "A LOAD PLANNING DATABASE FOR A PARCEL SHIPPING SYSTEM" (Attorney Docket No. E-915). --

**On page 1, between lines 20 and 21 please insert the following heading:**

-- **Background of the Invention** --

**In the claims:**

No Amendments have been made to the claims.

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